

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHOD AND APPARATUS FOR INTEGRATED BATTERY DEVICES.**

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

<u>Application Number</u>	<u>Filing Date</u>
60/191,774	March 24, 2000
60/225,134	August 14, 2000
60/238,673	October 6, 2000

I hereby claim the benefit under 35 U.S.C. § 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

No such claim for priority is being made at this time.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Harris, Robert J.	Reg. No. 37,346	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Hill, Stanley K.	Reg. No. 37,548	Nielsen, Walter W.	Reg. No. 25,539
Beekman, Marvin L.	Reg. No. 38,377	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Kalis, Janal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Kaufmann, John D.	Reg. No. 24,017	Peterson, David C.	Reg. No. 47,857
Brennan, Leoniede M.	Reg. No. 35,832	Klima-Silberg, Catherine I.	Reg. No. 40,052	Prout, William F.	Reg. No. 33,995
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Schumm, Sherry W.	Reg. No. 39,422
Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Schwegman, Micheal L.	Reg. No. 25,816
Clark, Barbara J.	Reg. No. 38,107	Lemaire, Charles A.	Reg. No. 36,198	Scott, John C.	Reg. No. 38,613
Clise, Timothy B.	Reg. No. 40,957	LeMoine, Dana B.	Reg. No. 40,062	Smith, Michael G.	Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Lundberg, Steven W.	Reg. No. 30,568	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Maeyaert, Paul L.	Reg. No. 40,076	Steffey, Charles E.	Reg. No. 25,179
Embreton, Janet E.	Reg. No. 39,665	Maki, Peter C.	Reg. No. 42,832	Stordal, Leif T.	Reg. No. 46,251
Fordenbacher, Paul J.	Reg. No. 42,546	Malen, Peter L.	Reg. No. 44,894	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mates, Robert E.	Reg. No. 35,271	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	McCrackin, Ann M.	Reg. No. 42,858	Viksmins, Ann S.	Reg. No. 37,748
Gortych, Joseph E.	Reg. No. 41,791	Moore, Charles L., Jr.	Reg. No. 33,742	Vogel, Peter J.	Reg. No. 41,363
Haack, John L.	Reg. No. 36,154	Nama, Kash	Reg. No. 44,255	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Mark Lynn Jensen**

Citizenship: **United States of America**

Residence: **Princeton, MN**

Post Office Address: **33311 Dolphin Street N.W.
Princeton, MN 55371**

Signature: _____

Mark Lynn Jensen

Date: _____

5/23/01

Full Name of joint inventor number 2 : **Jody Jon Klaassen**

Citizenship: **United States of America**

Residence: **Minneapolis, MN**

Post Office Address: **4920 Clinton Ave South
Minneapolis, MN 55409**

Signature: _____

Jody Jon Klaassen

Date: _____

3/23/01

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

ASSIGNMENT

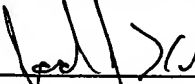
WHEREAS, WE, Mark Lynn Jenson, residing at 33311 Dolphin Street N.W., Princeton, MN 55371, and Jody Jon Klaassen, residing at 4920 Clinton Ave South, Minneapolis, MN 55409, made certain new and useful inventions and improvements for which We executed an application for Letters Patent of the United States on Even Date Herewith, which is entitled METHOD AND APPARATUS FOR INTEGRATED BATTERY DEVICES.

AND WHEREAS, Integrated Power Solutions Inc., a corporation organized and existing under and by virtue of the laws of the State of Minnesota, and having an office and place of business at 16820 HWY 10, Suite 230, Elk River, MN 55330, (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefore;

NOW, THEREFORE, to all whom it may concern, be it known that for good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, we have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the said application, all divisions, continuations, continuations-in-part, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the said inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and we do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the said Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the said Assignee, its successors and assigns.

AND, for the consideration aforesaid, we do hereby agree that we and our executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to us relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the said improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 23 day of March, 2001.



Jody Jon Klaassen

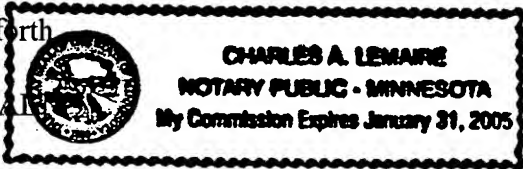
STATE OF Minnesota)


COUNTY OF Hennepin)^{ss.}

On this 23RD day of March, 2001 before me personally appeared Jody Jon Klaassen to
me known and known to me to be the person described in and who executed the foregoing instrument,
and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein

set forth

[SEAL]






Notary Public

AND, furthermore we covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by me/us and that full right to convey the same as herein expressed is possessed by us.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 23 day of MARCH, 2001.


Mark Lynn Jenson

STATE OF Minnesota)
COUNTY OF Hennepin)^{ss.}

On this 27th day of March, 2001 before me personally appeared Mark Lynn Jenson to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

[SEAL]


Notary Public

**ARTICLES OF AMENDMENT
OF
ARTICLES OF INCORPORATION
OF
INTEGRATED POWER SOLUTIONS, INC.**

The undersigned does hereby certify that he is the Chief Executive Officer of Integrated Power Solutions, Inc., organized under and pursuant to the provisions of Chapter 302A of the Minnesota Statutes (the "Company"), and that the following Resolution amending the Company's Articles of Incorporation was duly adopted by the board of directors and the shareholders of the Company pursuant to Chapter 302A of the Minnesota Statutes.

RESOLVED, that Article 1 of the Articles of Incorporation of the Company be amended and restated to read as follows:

The name of the corporation is Cymbet Corporation.

FURTHER RESOLVED, that Article 2 of the Articles of Incorporation be amended and restated to read as follows:

The name of the registered agent of the corporation is Mark L. Jenson, and the address of the registered office of the corporation is 18326 Joplin Street NW, Elk River, MN 55330.

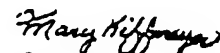
FURTHER RESOLVED, that the officers of the Company are authorized and empowered to take such action as is as is reasonably required to effect such name and address change, including filing Articles of Amendment with the Secretary of State of the State of Minnesota.

IN WITNESS WHEREOF, the undersigned, Mark L. Jenson, Chief Executive Officer of the Company, being duly authorized on behalf of the Company, has executed this document this 30 day of May, 2001.


Mark L. Jenson

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

MAY 31 2001


Secretary of State

S/N 09/816628PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mark L. Jenson et al.

Examiner: Jonathan Crepeau

Serial No.: 09/816628

Group Art Unit: 1746

Filed: March 23, 2001

Docket: 1327.008US1

Title: METHOD AND APPARATUS FOR INTEGRATED BATTERY DEVICES

REVOCATION AND POWER OF ATTORNEY CERTIFICATE UNDER 37 CFR § 3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In accordance with 37 C.F.R. Section 1.36, M.P.E.P. Section 402.05 and 402.07, please revoke any existing Powers of Attorney, if any, and appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith: **Charles A. Lemaire, Reg. No. 36,198**

CERTIFICATE UNDER 37 CFR § 3.73(b)

Cymbet Corporation hereby certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor to Integrated Power Solutions, Inc. filed and recorded on Reel 011665, Frames 0476-0479. On May 30, 2001 the name of Integrated Power Solutions, Inc. was changed to Cymbet Corporation by Articles of Amendment, a copy of which is attached and is being recorded in a separate document. To the best of my knowledge and belief, title is in Cymbet Corporation, the assignee. Pursuant to 37 C.F.R. §3.73(b) I hereby declare that I, Mark L. Jenson, am empowered to sign this certificate on behalf of Cymbet Corporation, the assignee. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Please direct all correspondence in this case to:

Lemaire Patent Law Firm, PLLC
P.O. Box 11358
St. Paul, MN 55111
Telephone: (952) 278-3500

Date 12/03/03By 

Mark L. Jenson
Title: President